

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

MONDAY, THE 19TH MARCH 2007 / 28TH PHALGUNA 1928

WP(C).No. 33745 of 2006(P)

PETITIONER:

DR.T.V.SURENDRAN, TRIPPAKKAL HOUSE,
KAILUR P.O., THRISSUR-680 317.

BY ADV. SRI.P.SANTHALINGAM
SRI.S.SHARAN

RESPONDENTS:

1. STATE OF KERALA,
REP.BY SECRETARY TO GOVERNMENT,
AGRICULTURE (AH) DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.
2. THE DIRECTOR,
ANIMAL HUSBANDARY DEPARTMENT,
VIKAS BHAVAN, THIRUVANANTHAPURAM.
3. DISTRICT ANIMAL HUSBANDARY OFFICER,
DISTRICT AH OFFICE, KASARGOD.

BY GOVERNMENT PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.K.DENESAN, J

W.P.(C)NO. 33745 of 2006

Dated this the 19th day of March, 2007

JUDGMENT

The petitioner was dismissed from service as per Ext.P1 Government Order dated 1.1.2003, taking note of the order of conviction and sentence passed by the Court of the Enquiry Commissioner and Special Judge, Thrissur. He preferred appeal against the order of conviction and sentence and this Court as per Ext.P2 judgment dated 4.10.2005 in Crl.Appeal No.407/2000 found the petitioner not guilty and set aside the order of conviction and sentence passed by the trial court and acquitted him of the charge levelled against him. He forwarded copy of the judgment to the Government as seen from Ext.P3 on 17.2.2006. Since no reply was received, he sent Ext.P4 reminder. Thereafter he filed W.P.(C)17721/2006 which was disposed of by this Court directing the Government to consider his representation in the light of the judgment passed by the appellate court and to take

appropriate decision.

2. This writ petition, in effect, is an offshoot of W.P.(C) No.17721/2006. The petitioner had complained that the respondents had been in slumber and were indifferent towards his claim for terminal benefits. It is admitted fact that as per the judgment in CrI.Appeal No.407/2000, the petitioner has been acquitted of the charge. He is entitled to claim the withheld and the future service benefits consequent on such acquittal. He had brought to the notice of the Government that the competent Court had rendered a verdict in his favour and had requested to disburse him all service benefits including terminal benefits. But nothing has been done to see that the petitioner is paid due benefits despite the decision of the competent Court acquitting him of the charges.

3. Government Pleader submits that no final decision has been taken on Ext.P3 and that an application seeking extension of time till 30.4.2007 has been filed on behalf of the respondents. According to the Government Pleader, some more time is required to pass final orders on Ext.P3.

4. Counsel for the petitioner submits that the respondents have delayed the matter beyond reasonable limits and that the petitioner is subjected to hardship.

5. Government Pleader submits that time was taken to ascertain whether there was scope for filing appeal before the Supreme Court against Ext.P2 judgment. Now the respondents have taken a decision not to file appeal before the Supreme Court, and therefore, further steps will be expedited.

6. Heard both sides. There is no scope for refusing the service benefits including terminal benefits due to the petitioner, in accordance with law. What are those benefits shall be decided, having regard to relevant facts and the Rules. Hence, there shall be an order directing the respondents to see that all service benefits due to the petitioner consequent on Ext.P2 judgment are worked out and intimated to the petitioner.

7. The petitioner superannuated while the order of dismissal was in force. Hence he shall be deemed to have been reinstated in service with effect from the date of order of dismissal and treated as in service on the date of

superannuation. It has to be remembered that Ext.P1 order of dismissal was passed solely on the ground of conviction and sentence passed by the trial court. The competent authority shall pass orders accordingly so that the monetary benefits due to the petitioner are disbursed to him with due intimation to him, as expeditiously as possible, at any rate, before 26th April 2007.

With the above directions, this writ petition is disposed of.

K.K.DENESAN, JUDGE

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W.P.(C)No. 33745/2006

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